

Massachusetts House of Representatives  
Bill Summary

**Bill No.:** H.2276

**Title:** An Act relative to clinical or educational programs under the Dover amendment

**Sponsor:** Rep. Carlos Gonzalez

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 22, 2025

**Current Law:** MGL Chapter 40A, Section 3 Subjects which zoning may not regulate; exemptions; public hearings; temporary manufactured home residences. The second paragraph of Section 3 states, in part, No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

The fourth paragraph of said Section 3 states: "Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination. The provisions of this paragraph shall apply to every city or town, including, but not limited to the city of Boston and the city of Cambridge."

Persons recovering from or receiving treatment for addiction to alcohol or drugs are disabled individuals for the purposes of the Americans with Disabilities Act, 42 U.S.C. §§ 12102 (2) (B) (C).

**Summary:**

Section 1 of the bill seeks to amend paragraph 2 of Section 3 (the Dover amendment) by inserting language that would restrict the use of land or structures in a low income city or town for educational purposes, including but not limited to, substance abuse or alcohol rehabilitation centers or clinics, nor could it be exempt from zoning regulation, without receiving prior approval of the legislative body of the city or town.

The bill defines a low income city or town as one where the "average median" income is equal to 60 percent or less of the "average median" income of the commonwealth.

Section 2 of the bill adds a paragraph to Section 3 of Chapter 40A which would allow a city or town, notwithstanding any contrary law, to assess property purchased by any person, organization, institution or corporation for educational purposes at the highest commercial tax rate if the owner fails to substantially improve such property within 2 years of purchase. No exemption would be allowed.

**Notes:**

The median household income in Massachusetts is \$101,341 (Census.gov, 2023) Sixty percent of that figure is \$60,805. The mean, or average per-capita income in Massachusetts is \$56,284.